

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WALTER CUNNINGHAM, JR. and JEREMY RIVERA, :

Plaintiffs, :

-v- :

NEW YORK CITY DEPARTMENT OF  
CORRECTIONAL SERVICES FACILITIES ET AL., :

Defendants. :  
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16 Civ. 8809 (PAE) (JCF)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

*Pro se* plaintiffs Walter Cunningham, Jr. and Jeremy Rivera bring this action under 42 U.S.C. § 1983, and bring various claims arising from their conditions of confinement while in the custody of the New York City Department of Corrections and detained on Rikers Island. Before the Court is the October 24, 2017 Report and Recommendation of the Hon. Barbara Moses, United States Magistrate Judge, recommending that the Court *sua sponte* dismiss all claims brought by Cunningham, who has taken no action in this case since January 2017 and whom his co-plaintiff, Rivera, has been unable to communicate. For the following reasons, the Court adopts this recommendation.

**I. Background**

The Court incorporates by reference the summary of the facts and procedural provided in the Report. *See* Report at 1–2. The Court also notes that since Judge Moses filed her Report and Recommendation, no action has been taken by Cunningham. The Clerk of Court caused to be mailed to Cunningham a copy of this Report and Recommendation on the date of its issuance.

On November 9, 2017, that mail was returned as undeliverable; accordingly, Cunningham has, to date, filed no objections.

## II. Discussion

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party makes specific objections to a magistrate’s findings, the district court must make a *de novo* determination as to those findings. *Id.* § 636(b)(1). However, if a party “makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the Report strictly for clear error.” *Pinkney v. Progressive Home Health Servs.*, No. 06 Civ. 5023 (LTS) (JCF), 2008 WL 2811816, at \*1 (S.D.N.Y. July 21, 2008), *aff’d*, 367 F. App’x 210 (2d Cir. 2010) (summary order). And, while *pro se* parties are, as always, treated leniently in making objections, their objections to a Report “must be specific and clearly aimed at particular findings.” *Id.*


Careful review of Judge Moses’s thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety.

## CONCLUSION

For the foregoing reasons, the Court dismisses, without prejudice, all claims brought by Cunningham pursuant to Federal Rule of Civil Procedure 41(b).

The Court directs the Clerk to mail a copy of this decision to plaintiff at the address on file.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: January 10, 2018  
New York, New York